

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

ORDER OF JUDICIAL REMOVAL

KEVIN JOSE ALBERTO DIAZ AGUILERA,

Criminal Docket No. 25 Mag. 1706

Defendant.

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Upon the application of the United States of America, by James Mandilk, Assistant United States Attorney, Southern District of New York; upon the Factual Allegations in Support of Judicial Removal; upon the consent of KEVIN JOSE ALBERTO DIAZ AGUILERA (the “defendant”); and upon all prior proceedings and submissions in this matter; and full consideration having been given to the matter set forth herein, the Court finds:

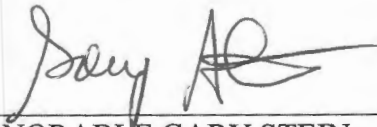
1. The defendant is not a citizen or national of the United States.
2. The defendant is native and citizen of Venezuela.
3. The defendant arrived in the United States at or near Eagle Pass, Texas, on or about December 13, 2023, without admission or parole after inspection by an Immigration Officer.
4. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in the United States District Court, Southern District of New York, of the following offense: Illegal Entry in violation of 8 U.S.C. § 1325.
5. The maximum sentence for a violation of Title 8 United States Code, Section 1325 is 6 months’ imprisonment.

6. The defendant is, and at time of sentencing will be, subject to removal from the United States pursuant to: (1) Section 212(a)(6)(A)(i) of the Immigration and Nationality Act (“INA” or the “Act”), as amended, 8 U.S.C. § 1182(a)(6)(A)(i), as an alien who is present in the United States without being admitted or paroled, or who arrived in the United States at any time or place than as designated by the Attorney General.
7. The defendant has waived his right to notice and a hearing under INA Section 238(c), 8 U.S.C. § 1228(c).
8. The defendant has waived the opportunity to pursue any and all forms of relief and protection from removal.
9. The defendant has designated Venezuela as the country for removal pursuant to Section 240(d) of the Act, 8 U.S.C. § 1229a(d).

WHEREFORE, IT IS HEREBY ORDERED, pursuant to Section 238(c) of the Act, 8 U.S.C. § 1228(c), that the defendant shall be removed from the United States promptly upon his release from confinement, or, if the defendant is not sentenced to a term of imprisonment, promptly upon his sentencing, and that the defendant be ordered removed to Venezuela.

New York, New York

Dated: August 5, 2025



HONORABLE GARY STEIN
UNITED STATES MAGISTRATE JUDGE